QUESTION 1

Indicate the most ACCURATE statement:

a. An action for divorce or an action for damages constitutes a claim for a debt or a liquidated demand.

b. When the combined summons is employed, serious factual disputes do not require the leading of oral evidence to resolve any issues.

c. The nature of the claim is the factor that determines whether a simple summons or a combined summons must be employed.

d. a declaration may be used in the case of a combined summons since both documents form a unit.

[2]

QUESTION 2

Indicate the most ACCURATE statement:

a. A claim for the delivery of specific movable property without an alternative claim for damages, even though the claim does not exceed R200 000, cannot be instituted in any magistrates court because it is a claim for specific performance.

b. It was held in *Badenhorst v Theophanous* 1988 1 SA 793 (C) that magistrates courts may grant prohibitory interdicts, provided that such orders amount to orders ad factum praestandum in terms of a contractual obligation.

c. The magistrates court for the district of Pretoria is competent to exercise jurisdiction if the conclusion of the contract occurred in Pretoria and the contract was breached in the magisterial district of Johannesburg.

d. A plaintiff may claim two amounts, namely R90 000 and R180 000 in the same summons, even if the joint amount of the claims exceeds the district magistrates courts jurisdiction under section 29 of the Magistrates Courts Act 32 of 1944, provided that the parties are the same and provided that each claim is based on a separate cause of action.

[2]

QUESTION 3

Indicate the most ACCURATE statement:

a. When it is said that a court exercises inherent jurisdiction, it means that the court's jurisdiction is derived from statute.

b. The South African civil procedural system is inquisitorial in nature.

c. In terms of the doctrine of effectiveness, a court will not exercise jurisdiction unless full compliance with the judgment is ensured.

d. The doctrine of effectiveness means that a court will be competent to exercise jurisdiction if compliance with the judgment can be expected.

[2]

QUESTION 4

Indicate the most ACCURATE statement:

a. Both appeal and review must take place within a reasonable time.

b. The single judge of the High Court whose judgment or order is being appealed against, may sit on the full bench at the hearing of the appeal.

c. Once an appeal has been noted, a plaintiff may not continue to execute a judgment given in his favour, unless authorised by the court.

d. The Supreme Court of Appeal is competent to hear appeals in respect of decisions or judgments handed down by the Competition Court.

[2]

QUESTION 5

Indicate the most ACCURATE statement:

a. A juristic person is allowed to commence an action in the Small Claims Courts only when represented by a duly nominated director or other natural persons.

b. Matters that Small Claims Courts are absolutely not competent to adjudicate, are identical to those that the magistrates courts are not competent to hear in terms of the Magistrates Courts Act 32 of 1944.

c. An important objective of introducing Small Claims Courts is to increase ordinary citizens access to justice.

d. Small Claims Courts are limited to hearing only claims of up to R15 000, except where the parties consent in writing for the court to hear a claim in excess of R15 000.

[2]

QUESTION 6

Indicate the most ACCURATE statement:

a. The formal documents used in application proceedings comprise pleadings and processes.

b. An interlocutory application is brought by way of a notice.

c. If a party wishes to oppose an application, he or she must deliver a notice of intention to defend within the dies induciae.

d. An ex parte application is brought when one party approaches the court in terms of Uniform Rule 35(7) for an order to compel the other party to discover particular documents.

[2]

QUESTION 7

Indicate the most ACCURATE statement:

a. Leaving a copy of a summons at the defendant's place of employment does not fulfil the stated requirements for ordinary service as set out in the various rules of court.

b. The main objective of the pre-trial conference in terms of both Uniform Rule 37 and magistrates courts rule 54 is to facilitate a settlement between the parties.

c. If a dispute arises over whether a summons was served on a particular party, such dispute can be resolved, by referring to the return of service of the sheriff.

d. One of the rules for the drafting of processes is that only facts, and not the law, must be pleaded.

[2]

QUESTION 8

Indicate the most ACCURATE statement:

a. A judgment of a High Court which was procured by fraud may be set aside even if it is shown that the successful litigant was not a party to such fraud.

b. When judgment is granted against a litigant who is not physically present in court but is represented by a legal practitioner, the court is authorised in terms of section 36 of the Magistrates Court Act 32 of 1944 to thereafter vary or rescind the order by virtue of the fact that this litigant was absent for purposes of this section.

c. A magistrates court judgment becomes final and unalterable once it is pronounced by the magistrate, and can under no circumstance be varied or rescinded.

d. Uniform Rule 42 provides that any variation of judgment sought under this rule must be brought by way of the application procedure.

[2]

QUESTION 9

Indicate the most ACCURATE statement:

a. The general rule is that a party who has closed his or her case may not present further evidence, save in rebuttal.

b. The authority of all courts of law in South Africa to grant judgments is derived from statutory law.

c. A case management judge may refuse to certify a case as trial-ready if parties failed to clearly set out the issues in dispute.

d. The express purpose of delivering a notice and summaries in respect of expert witnesses in terms of Uniform Rule 36(9) is to shorten the duration of the trial.

[2]

QUESTION 10

Indicate the most ACCURATE statement:

a. The Magistrates court are also referred to lower courts because of the low value matters.

b. The principle of party representation does not apply in the small claims court because the commissioner plays an active role in assisting the litigants to represent their case during the trial.

c. The Magistrates' court may pronounce on the validity of any law or of any conduct of the President of the Republic.

d. The Magistrates' courts rules are referred to as Uniform Rules of the court.

[2]

QUESTION 11

Indicate the most ACCURATE statement:

a. Domicile is acquired by a lawful presence at a particular place with the intention of settling there for an indefinite period.

b. Domicile is acquired by a lawful presence at a particular place with the intention of there for a definite period.

c. Domicile means an acquired presence at a given place for a specific period.

d. Domicile means a lawful presence at a place for a specific period.

[2]

QUESTION 12

Indicate the most ACCURATE statement:

a. Pleadings cannot prevent future disputes between the parties regarding issues that have already been adjudicated upon.

b. Notice of intention to defend is a pleading.

c. The function of pleadings is to describe what parties are expected to answer in preparation for their cases and the evidence they intend leading in support of their own contentions and in rebuttal of their opponent.

d. Pleading stage is a written document exchanged between such parties containing averments by the parties to an action in which the material facts on which they rely in support of their claim or defence.

[2]

QUESTION 13

Indicate the most ACCURATE statement:

a. Averments that are scandalous, vexatious or irrelevant may be strike out by way of summons since such averments relate to the pleading as a whole.

b. An application to strike out is used to correct errors in pleadings.

c. Amendment of pleadings provides a speedy and inexpensive method of determining the issue, without having to embark on the lengthy and expensive procedure of a full trial.

d. Amendment of pleadings is employed to amplifies the cause of action and may also extend or limit the relief claimed.

[2]

QUESTION 14

Indicate the most ACCURATE statement:

a. The defendant may raise a defence against the plaintiff's claim by employing a plea on the merits.

b. A plea on the merits does not raise any defence against the plaintiff's claim and therefore cannot deal with the merits of the plaintiff's case as set out in the plaintiff's particulars of claim or declaration.

c. The notice of intention to defend raises a defence against the plaintiff in a settlement of a dispute.

d. A replication will most likely be relevant in the case where a defendant replies to the plaintiff's plea.

QUESTION 15

Indicate the most ACCURATE statement:

a. The Supreme Court of Appeal is competent to hear only non-Constitutional matters.

b. Dispute resolution in African customary law entails that disputes are settled by the headman or by family groups, with no recourse to the courts of law whatsoever.

c. Disputes concerning the constitutional status, powers, or functions between organs of state in the national or provincial spheres may be adjudicated by the Constitutional Court only.

d. A magistrates court is not competent to adjudicate upon the validity of any legislation but may pronounce upon the validity of the exercise of executive powers by the President.

[2]

QUESTION 16

The plaintiff, A, claims payment from B in the amount of R500 000 in terms of an agreement in respect of which the defendant, B, would be liable for such payment should Z fail to pay this amount. The plaintiff does not aver in the particulars of claim that Z failed to pay the amount. The defendant may respond to this defect in the pleading in the following manner.

Indicate the most ACCURATE statement:

a. The defendant may apply for the setting aside of the pleading as an irregular proceeding in terms of Uniform Rule 30.

b. The defendant may deliver a special plea.

c. The defendant may raise an exception.

d. The defendant may apply for an amendment of the particulars of claim.

[2]

QUESTION 17

C and D enter into a contract in Durban in terms of which C has to deliver goods to D's business premises in Pretoria.Despite demand, C fails to deliver the goods. C lives in Pietermaritzburg and D lives in Johannesburg. D intends issuing summons against C for delivery of the goods.

Indicate the most ACCURATE statement:

a. Only the magistrates' court of Johannesburg will have jurisdiction to hear the matter.

b. Only the magistrates' courts of Durban and Pietermaritzburg will have jurisdiction to hear the matter.

c. Only the magistrates courts of Durban, Pietermaritzburg and Pretoria will have jurisdiction to hear the matter.

d. Only the magistrates court of Pietermaritzburg will have jurisdiction to hear the matter.

[2]

QUESTION 18

Indicate the most ACCURATE statement:

a. The jurisdictional connecting factor ratione domicilii is relevant in respect of defendants who are citizens of South Africa.

b. A local peregrinus is a person who is neither domiciled nor resident within the Republic.

c. A person may have only one place of residence.

d. The jurisdictional connecting factor ratione domicilii is relevant in respect of defendants who are domiciled in South Africa.

QUESTION 19

Indicate the most ACCURATE statement:

a. An offer to settle in terms of Uniform Rule 34 may be used in both summons and application proceedings.

b. A party wishing to demand security for costs from his or her opponent in the magistrates court may approach the clerk of the court or the registrar for an order directing the party to furnish such security.

c. In the magistrates court, a power of attorney must be filed with the registrar or clerk of the court as proof of mandate before a summons may be issued.

d. In reply to a defendant's counterclaim, a defendant in reconvention may file a replication in reconvention.

[2]

QUESTION 20

Indicate the most ACCURATE statement:

Indicate the most accurate statement:

a. Because the conduct of litigation is so specialised, litigants normally instruct attorneys and advocates to conduct litigation on their behalf in all South African courts.

b. Whereas substantive law determines the rights and duties of individuals, adjective law provides the mechanism through which these rights and duties are enforced.

c. The trial in Anglo-American civil procedure is marked by its orality which applies to the parties, their counsel and witnesses only.

d. The principle that litigants have the competence to either commence or defend proceedings and to prosecute their respective cases, support their right to negotiate an out-of-court settlement.

[2]

QUESTION 21

A High Court may exercise jurisdiction ad fundandam iurisdictionem if:

a. The defendant is a peregrinus of the court concerned, but an incola of the Republic, provided that attachment has taken place.

b. The plaintiff is an incola of the court concerned and the defendant is a peregrinus of such court as well as of the Republic, in an instance where the cause of action did not arise within the area of jurisdiction of the court concerned, provided attachment has taken place.

c. Attachment has taken place in an instance where the defendant is a peregrinus of the court concerned and of the whole Republic, irrespective of whether the plaintiff is an incola or peregrinus of the court concerned, provided that the cause of action has arisen within the court's area of jurisdiction.

d. Both the plaintiff and the defendant are peregrini of the court concerned, and attachment has taken place.

[2]

QUESTION 22

Indicate the most ACCURATE statement:

a. A notice of bar applies to a replication and subsequent pleadings, and failure to react to such notice will result in a party being automatically barred.

b. A party who fails to timeously deliver a declaration and who, despite having received a notice of bar persists in such failure, is in default as well as barred.

c. A defendant who fails to timeously deliver a notice of intention to defend must first be given a notice of bar before a plaintiff may request default judgment, provided the defendant ignores the notice of bar.

d. A party who fails to timeously deliver a notice of intention to defend, is automatically barred.

[2]

QUESTION 23

Indicate the most ACCURATE statement:

a. Judgment or order of a particular court is enforceable within the area of that particular court's area.

b. A civil court process is issued by a particular court and may be served within that particular court's area.

c. A civil court process of a division runs within a particular court's area.

d. A civil court process of a division runs throughout the Republic.

QUESTION 24

X is a travelling salesman and only returns to his wife in Johannesburg over Easter and the Christmas period every year when he has time off from work. However, in between his travels in KwaZulu-Natal, he often spends time in his flat in Durban that he purchased for purposes of having a place where he could catch up on administrative work while there. For jurisdictional purposes.

Indicate the most ACCURATE statement:

a. X is resident in Johannesburg.

b. X is resident in both Durban and Johannesburg.

c. X is resident in every location where he is lawfully present.

d. If X is seconded to Cape Town by his company for a period of three months, X is resident in Cape Town for this period.

[2]

QUESTION 25

Indicate the most ACCURATE statement:

a. Magistrates' Courts have the power to review the proceedings.

b. The grounds upon which a judgment will be set aside in terms of the common law are fraud, new documents, error and irregularities in procedure.

c. Superior courts do not have inherent jurisdiction to entertain all causes arising within their areas of jurisdiction.

d. Application procedure to be followed when variation of judgment is sought in terms of the common law.

[2]

QUESTION 26

Indicate the most ACCURATE statement:

a. The court may interfere with civil proceedings during the pre-trial and trial stages at the request of either of the parties.

b. Every citizen is able to afford litigation because court time and court administration are paid for by the state.

c. The objective of civil proceedings is to establish liability on a balance of probabilities, which means the court must be satisfied that the version put forward by the plaintiff is mostly true.

d. The state has an interest in civil proceedings since it provides the parties with court infrastructure and enforces the judgments of courts.

[2]

QUESTION 27

Determine in which of the following statements a High Court would accept submission to its jurisdiction in regard to a claim sounding in money:

Indicate the most ACCURATE statement:

a. The defendant is a local peregrinus of the court concerned.

b. The plaintiff is an incola of the court concerned, the defendant is an incola of another South African court and the cause of action has occurred outside the court's area of jurisdiction.

c. Both parties to the action are incolae of the court concerned.

d. The plaintiff is a local peregrinus and the defendant is a foreign peregrinus, the cause of action has occurred within the court's area of jurisdiction.

[2]

QUESTION 28

During the trial it becomes clear that X concealed certain documents which were prejudicial to his case and lied about their existence. At the end of the trial Y's advocate argues that in these circumstances it would be appropriate for the court to make the following costs order.

Indicate the most ACCURATE statement:

a. Attorney-and-client costs against X.

b. Party-and-party costs against X.

c. That costs should be costs in the cause.

d. De bonis propriis against X.

[2]

QUESTION 29

Indicate the most ACCURATE statement:

a. Uniform Rule 40 provides for a procedure whereby indigent persons may obtain free legal aid by approaching the Legal Aid Board.

b. Any dispute of fact is an indication that summons proceedings, and not application proceedings, must be used to commence court proceedings.

c. Substituted service of a summons upon a defendant may occur only if the court permits such service.

d. As dominus litis the plaintiff is responsible for placing a matter on the roll for hearing, and if he or she fails to do so, the defendant may approach the court for an order.

[2]

QUESTION 30

Indicate the most ACCURATE statement:

a. The court, on review, will remit the matter when there are valid reasons why the court should exercise its discretion in favour of the applicant and substitute its own decision for that of the respondent.

b. The court, on review, will not remit the matter but rather request written reasons for judgment from the court that made a judgment.

c. The court, on review, will not remit the matter when a remittance will be futile.

d. The court, on review, will remit the matter when the end result is clear.

QUESTION 31

Indicate the statement that is the most ACCURATE statement:

a. An exception may only be pleaded to a declaration or particulars of claim.

b. An exception can be brought against any pleading.

c. An exception assumes the truth of all the allegations in the declaration.

d. A special plea alleges special facts unconnected with the merits of the action as a result of which the action is either destroyed or postponed**.**

[2]

QUESTION 32

Indicate the most ACCURATE statement:

a. The court, on review, will remit the matter when there are valid reasons why the court should exercise its discretion in favour of the applicant and substitute its own decision for that of the respondent.

b. The court, on review, will not remit the matter but rather request written reasons for judgment from the court that made a judgment.

c. The court, on review, will not remit the matter when a remittance will be futile.

d. The court, on review, will remit the matter when the end result is clear.

[2]

QUESTION 33

Indicate the most ACCURATE statement:

a. The Roman-law rule actor sequitur forum rei means that the plaintiff must institute action against the defendant in the High Court within whose area of jurisdiction the defendant is a citizen.

b. A court would not accept a submission to its jurisdiction in regard to a claim sounding in money if the plaintiff is an incola of the court concerned and the defendant is an incola of another South African court, and the cause of action has occurred outside the court's area of jurisdiction.

c. On the basis of the ground ratione domicilii, a High Court may not exercise jurisdiction unless the defendant is physically present within its area of jurisdiction.

d. The ratione rei gestae applies when a court in whose area of jurisdiction property or a person is situated/resident, has exclusive jurisdiction over that property or person.

[2]

QUESTION 34

Indicate the most ACCURATE statement:

a. A litigant who is dissatisfied with the outcome of a matter, always has one appeal as of right.

b. The Constitutional Court is the highest court of appeal in respect of all civil matters.

c. A court hearing an appeal from a lower court, as in the case of a court of first instance, consists of a single judge.

d. An appeal from a magistrates' court may only be noted against a decision which is final in effect.

[2]

QUESTION 35

Indicate the most ACCURATE statement:

a. If a magistrate allowed inadmissible evidence, the proceedings may be reviewed, and in some cases may be appealed against.

b. The heads of argument, as the name suggests, simply consists of the advocate's main points of argument to be presented to court.

c. A party dissatisfied with the outcome of a matter in any High Court, may approach the Supreme Court of Appeal directly.

d. An appeal may be noted against interim orders because the granting of such orders means that the party against whom it was given, has lost the case.

[2]

QUESTION 36

Indicate the most ACCURATE statement:

a. The onus of proof in civil proceedings rests on a balance of probabilities.

b. The objective of civil proceedings is to establish liability beyond reasonable doubt.

c. The burden of proof in civil proceedings is that no probable conclusion can be reached.

d. The burned of proof in civil proceedings is beyond all reasonable doubt.

[2]

QUESTION 37

Indicate the most ACCURATE statement:

a. The purpose of an application for summary judgment is to obtain judgment speedily against the defendant whose defence against the plaintiff's claim does not raise any issue for trial.

b. The plaintiff may apply for summary judgment, before the defendant delivers a plea on the merits.

c. Application for summary judgment is restricted to the delivery of specified movable property only.

d. Summary judgment procedure is not an extraordinary procedure.

[2]

QUESTION 38

Indicate the most ACCURATE statement:

a. In civil proceedings, the parties comprise the complainant and the defendant.

b. As in the case of a superior court, a magistrates court has discretion regarding its own procedure.

c. In civil proceedings, judgment will be granted in favour of the plaintiff if the defence raised by the defendant is less probable than the claim proved by the plaintiff.

d. When a claim for damages is instituted, the plaintiff must prove the guilt of the defendant.

[2]

QUESTION 39

Indicate the most ACCURATE statement:

a. Section 31 of the Magistrates Courts Act 32 of 1944 provides that an interdict prohibiting the removal of furniture or other effects from the leased premises only becomes effective after application is made to court in this regard.

b. A magistrates court would be competent to exercise jurisdiction if the cause of action did not wholly occur within its district, but there is compliance with the provisions of sections 29 and 46, and the defendant raises no objection.

c. A magistrates court may exercise jurisdiction if the plaintiff resides, carries on business or is employed in its area of jurisdiction.

d. A magistrates court may exercise jurisdiction over the person of a defendant if the defendant is domiciled in its area of jurisdiction.

[2]

QUESTION 40

Indicate the most ACCURATE statement:

a. Y delivers a plea on the merits because she wishes to give notice that she intends defending the action.

b. X is of the opinion that Y's plea on the merits does not sustain a defence, and therefore he objects to Y's plea by raising an exception.

c. X is of the opinion that Y does not have a bona fide defence and that she has entered an appearance simply to delay the action. Consequently, X applies for summary judgment.

d. X avers in the particulars of claim that breach of contract occurred on 1 March 1917, instead of on 1 March 2017. Y notices the error and applies for the amendment of the particulars of claim.

QUESTION 41

Peter and Don are involved in a motor collision due to Don driving through a red traffic light under the influence of alcohol. Peter sustains damages to his car, as well as personal injuries. Peter alleges that his damages are due solely to Don's negligence.

Indicate the most ACCURATE statement:

a. If Don is acquitted in the criminal proceedings, this means that Peter has a minimal chance of success if he later institutes civil proceedings.

b. Peter is compelled to lay criminal charges against Don.

c. In the civil proceedings between Peter and Don the court may not interfere in the manner in which they conduct the proceedings.

d. Peter is compelled by the state to institute civil proceedings against Don.

[2]

QUESTION 42

A High Court may exercise jurisdiction on the basis of an order for. Indicate the most ACCURATE statement:

a. Attachment ad confirmandam iurisdictionem if the defendant is a peregrinus of the court concerned, the plaintiff is an incola of the court concerned, the cause of action occurred within the area of jurisdiction of the court concerned, and attachment has taken place.

b. Attachment ad confirmandam iurisdictionem if the defendant is a peregrinus of the court concerned as well as of the Republic, attachment has taken place and the cause of action occurred within the area of jurisdiction of the court concerned.

c. Attachment ad fundandam iurisdictionem if the plaintiff is a peregrinus of the court concerned, the defendant is a peregrinus of the whole Republic, the cause of action took place within the area of jurisdiction of the court and attachment has taken place.

d. Attachment ad fundandam iurisdictionem if the defendant is a peregrinus of the Republic, the cause of action took place outside the jurisdiction area of the court

concerned, the plaintiff is an incola of another court and attachment has taken place.

[2]

QUESTION 43

X issues summons against Y for damages in the amount of R700 000 for defamation. The nature of the claim that X has against Y is.

Indicate the most ACCURATE statement:

a. An illiquid claim.

b. A liquidated claim.

c. An unliquidated claim.

d. A liquid claim.

[2]

QUESTION 44

Indicate the most ACCURATE statement:

a. In accordance with the audi alteram partem maxim, and in order to notify defendants of proceedings instituted against them, notices of motion and summonses must be served on the defendants personally.

b. The rules of court allow only three sets of affidavits to be exchanged between the parties in opposed application proceedings.

c. The commencement of action proceedings must always be preceded by a letter of demand.

d. If the plaintiff's claim is based on a duly executed acknowledgement of debt, the action may be instituted by way of the provisional sentence summons.

[2]

QUESTION 45

Indicate the most ACCURATE statement:

Application proceedings may be instituted by:

a. Only the ex parte application.

b. Either the ex parte application, the ordinary application, or the urgent application.

c. Only the ordinary application.

d. Either the ex parte application or the ordinary application.

[2]

QUESTION 46

Indicate the most ACCURATE statement:

a. The Constitutional Court need not confirm a decision regarding the constitutionality of any legislation by a High Court before such decision can acquire force.

b. Although the Supreme Court of Appeal may hear appeals in respect of both constitutional and non-constitutional matters, it is not the final court of appeal in the case of constitutional matters.

c. A High Court may hear any matter that is not prohibited from hearing by the Constitution or an act of Parliament.

d. The Constitutional Court cannot be approached directly, even in exceptional circumstances.

[2]

QUESTION 47

Indicate the most ACCURATE statement:

a. The main source of the professional code of conduct of legal practitioners is the Legal Practice Act, 2014 and the Regulations promulgated thereunder.

b. All superior courts function as either a court of first instance, or as a court of appeal.

c. Because a small claims court is not a court of record, a matter cannot be taken on review.

d. Dispute resolution mechanisms in African customary law are influenced by Western traditions, and that can be seen from their use of the processes of arbitration and mediation.

[2]

QUESTION 48

Indicate the most ACCURATE statement:

a. An exception may only be raised against a declaration or particulars of claim.

b. Orders ad factum praestandum are orders in terms of which the debtor is ordered to perform a certain action, namely the payment of money.

c. Striking out is a procedure available to parties in both application and action proceedings.

d. A judgment can only be delivered at the end of a trial because the court is only competent to deliver a judgment after hearing and properly considering the evidence.

[2]

QUESTION 49

Section 2(1) of the Divorce Act of 1979 read with section 1(1) of the Domicile Act of 1992 provides that a court may exercise divorce jurisdiction on the following grounds:

a. If both or either of the spouses are/is domiciled in the area of jurisdiction of a High Court on the date on which the action is instituted.

b. If both or either of the spouses are/is ordinarily resident in the area of jurisdiction of a High Court and in the Republic on the date on which the action is instituted, for one year immediately prior to the date of the marriage.

c. Only if the wife is resident in the same High Court where her husband is resident.

d. Only if the wife is domiciled and resident within the area of jurisdiction of a High Court at the time of the institution of the action.

[2]

QUESTION 50

Indicate the most ACCURATE statement:

a. The court may interfere with civil proceedings during the pre-trial and trial stages at the request of either of the parties.

b. The state has an interest in civil proceedings since it provides the parties with court infrastructure and enforces the judgments of courts.

c. Every citizen is able to afford litigation because court time and court administration are paid for by the state.

d. The objective of civil proceedings is to establish liability on a balance of probabilities, which means the court must be satisfied that the version put forward by the plaintiff is mostly true.

[2]

(50 x 2 marks each)
TOTAL: [100]